

BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF  
ROBERT J. DICKSON,

Appellant,

vs.

PUGET SOUND AIR POLLUTION  
CONTROL AGENCY,

Respondent.

PCHB No. 570

FINAL FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER

THIS MATTER being an appeal of a \$100.00 civil penalty for an alleged violation of respondent's Regulation I; having come on regularly for hearing before the Pollution Control Hearings Board on the 29th day of May, 1974, at Seattle, Washington; and appellant, Robert J. Dickson, did not appear and respondent, Puget Sound Air Pollution Control Agency, appearing through its attorney, Keith D. McGoffin; and Board members present at the hearing being Walt Woodward (presiding) and Mary Ellen McCaffree; and the Board having considered the sworn testimony, exhibits, records and files herein and hearing naught from appellant and having

1 entered on the 6th day of June, 1974, its proposed Findings of Fact,  
2 Conclusions of Law and Order, and the Board having served said proposed  
3 Findings, Conclusions and Order upon all parties herein by certified mail,  
4 return receipt requested and twenty days having elapsed from said service;  
5 and

6 The Board having received no exceptions to said proposed Findings,  
7 Conclusions and Order; and the Board being fully advised in the premises,  
8 now therefore,

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said proposed  
10 Findings of Fact, Conclusions of Law and Order, dated the 6th day of June,  
11 1974, and incorporated by this reference herein and attached hereto  
12 as Exhibit A, are adopted and hereby entered as the Board's Final Findings  
13 of Fact, Conclusions of Law and Order herein.

14 DONE at Lacey, Washington, this 6th day of August, 1974.

15 POLLUTION CONTROL HEARINGS BOARD

16  
17 Walt Woodward  
18 WALT WOODWARD, Chairman  
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26 FINAL FINDINGS OF FACT,  
27 CONCLUSIONS OF LAW  
AND ORDER

BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

1	IN THE MATTER OF	)	
2	ROBERT J. DICKSON,	)	
3	Appellant,	)	PCHB No. 570
4	vs.	)	FINDINGS OF FACT,
5	PUGET SOUND AIR POLLUTION	)	CONCLUSIONS OF LAW
6	CONTROL AGENCY,	)	AND ORDER
7	Respondent.	)	

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8        This matter, the appeal of a \$100.00 civil penalty for an  
9        alleged violation of respondent's Regulation I, came before the  
10       Pollution Control Hearings Board (Walt Woodward, presiding officer,  
11       and Mary Ellen McCaffree) in the Seattle facility of the Board  
12       of Industrial Insurance Appeals at 1:30 p.m., May 29, 1974.

13       Respondent appeared through Keith D. McGoffin. David Ummel,  
14       Olympia court reporter, recorded the proceedings. Appellant,  
15       although notified in writing by this Board on May 9, 1974 of the  
16       hearing to be held in the Seattle facility of the Board of Industrial  
17       Insurance Appeals at 1:30 p.m., May 29, 1974, did not appear.

18       At 2:00 p.m., after waiting for appellant for one-half hour,

EXHIBIT A

1 the Board instructed Mr. McGoffin to sustain respondent's position  
2 in this matter. A witness was sworn and testified. Exhibits  
3 were offered.

4 From testimony heard, exhibits examined and hearing naught  
5 from appellant, the Pollution Control Hearings Board makes these

6 FINDINGS OF FACT

7 I.

8 On March 13, 1974, on property being cleared by appellant near  
9 Arlington, Snohomish County, a fire, containing logs which had  
10 been treated with a substance which, when burned, normally emits  
11 dense smoke, was ignited and burned by appellant. The fire caused  
12 respondent to serve on appellant Notice of Violation No. 9427 citing  
13 Section 9.02 of respondent's Regulation I, and Notice of Civil  
14 Penalty No. 1465, as amended, which is the subject of this appeal.

15 II.

16 Section 9.02 of respondent's Regulation I makes it unlawful to  
17 cause any outdoor fire containing a substance which normally emits  
18 dense smoke. Section 3.29 authorizes the levy of a civil penalty  
19 of not more than \$250.00 for any violation of Regulation I.

20 III.

21 Any Conclusion of Law hereinafter stated which is deemed to be  
22 a Finding of Fact herewith is adopted as same.

23 From these findings, the Pollution Control Hearings Board  
24 comes to these

25.

26 FINDINGS OF FACT,  
27 CONCLUSIONS OF LAW  
AND ORDER

CONCLUSIONS OF LAW

I.

There was a violation of respondent's Regulation I on March 13, 1974 as cited in Notice of Violation No. 9427.

II.

The penalty levied in Notice of Civil Penalty No. 1465, as amended, is reasonable.

III.

Any Finding of Fact herein which is deemed to be a Conclusion of Law herewith is adopted as same.

From these conclusions, the Pollution Control Hearings Board issues this

ORDER

The appeal is denied and the penalty of \$100.00 is affirmed.

DONE at Lacey, Washington, this 6<sup>th</sup> day of June, 1974.

POLLUTION CONTROL HEARINGS BOARD

Walt Woodward  
WALT WOODWARD, Chairman

MARY ELLEN McCaffree, Member

FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER